

SETTLEMENT OF CERTAIN CLAIMS

Convention signed at Washington February 26, 1851

Senate advice and consent to ratification March 7, 1851

Ratified by the President of the United States March 10, 1851

Ratified by Portugal June 17, 1851

Ratifications exchanged at Lisbon June 23, 1851

Entered into force June 23, 1851

Proclaimed by the President of the United States September 1, 1851

*Terminated March 31, 1856*¹

10 Stat. 911 ; Treaty Series 290²

The United States of America, and Her Most Faithful Majesty, the Queen of Portugal and of the Algarves, equally animated with the desire to maintain the relations of harmony and amity, which have always existed, and which it is desirable to preserve between the two Powers, having agreed to terminate, by a Convention, the pending questions between their respective Governments, in relation to certain pecuniary claims of American citizens, presented by the Government of the United States, against the Government of Portugal,—have appointed as their Plenipotentiaries for that purpose, to wit:

The President of the United States of America, Daniel Webster, Secretary of State of said United States,—and

Her Most Faithful Majesty, J. C. de Figanière é Morão, of Her Council, Knight Commander of the order of Christ, and of O. L. of Conception of Villa-Viçosa, and Minister Resident of Portugal near the Government of the United States,—

who, after having exchanged their respective full powers, found to be in due and proper form, have agreed upon, and concluded, the following articles:

ARTICLE I

Her Most Faithful Majesty, the Queen of Portugal and of the Algarves, appreciating the difficulty of the two Governments' agreeing upon the subject of said claims, from the difference of opinion entertained by them respectively, which difficulty might hazard the continuance of the good understanding, now prevailing between them, and resolved to maintain the same unimpaired,—has assented to pay to the Government of the United

¹ Date on which Portugal made final payment.

² For a detailed study of this convention, see 5 Miller 929.

States, a sum equivalent to the indemnities claimed for several American citizens, (with the exception of that mentioned in the fourth Article,) and, which sum the Government of the United States undertakes to receive in full satisfaction of said claims, except as aforesaid, and to distribute the same among the claimants.

ARTICLE II

The high contracting parties, not being able to come to an agreement upon the question of public law involved in the case of the American Privateer Brig "General Armstrong", destroyed by British vessels in the waters of the Island of Fayal, in September 1814, Her Most Faithful Majesty has proposed, and the United States of America have consented, that the claim presented by the American Government, in behalf of the captain, officers & crew of the said Privateer should be submitted to the arbitrement of a Sovereign, Potentate or Chief of some nation in amity with both the high contracting parties.

ARTICLE III

So soon as the consent of the Sovereign, Potentate or Chief of some friendly nation, who shall be chosen by the two high contracting parties, shall have been obtained, to act as arbiter in the aforesaid case of the Privateer Brig "General Armstrong", copies of all correspondence, which has passed in reference to said claim, between the two Governments & their respective Representatives, shall be laid before the arbiter, to whose decision the two high contracting parties hereby bind themselves to submit.

ARTICLE IV

The pecuniary indemnities which Her Most Faithful Majesty promises to pay, or cause to be paid, for all the claims presented, previous to the 6th day of July, 1850, in behalf of American citizens, by the Government of the United States, (with the exception of that of the "General Armstrong",) are fixed at ninety one thousand, seven hundred & twenty seven Dollars, in accordance with the correspondence between the two Governments.

ARTICLE V

The payment of the sum stipulated in the preceding Article, shall be made in Lisbon, in ten equal instalments, in the course of five years, to the properly authorised agent of the United States. The first instalment, of nine thousand, one hundred & seventy two Dollars, seventy Cents, with interest as hereinafter provided, (or its equivalent in Portuguese current money,) shall be paid, as aforesaid, on the 30th day of September, of the current year of 1851, or earlier, at the option of the Portuguese Government; and at the end of every subsequent six months, a like instalment shall be paid;—the integral sum of ninety one thousand, seven hundred & twenty seven Dollars,—or its equivalent, thus to be satisfied on or before the thirtieth day of September, 1856.

ARTICLE VI

It is hereby agreed, that each and all of the said instalments are to bear, and to be paid with, an interest of six per Cent, per annum, from the date of the exchange of the ratifications of the present Convention.

ARTICLE VII

This Convention shall be approved and ratified, and the ratifications shall be exchanged, in the city of Lisbon, within four months, after the date hereof, or sooner, if possible.

In testimony whereof the respective Plenipotentiaries have signed the same, & affixed thereto the seals of their arms.

Done, in the City of Washington, D.C., the twenty sixth day of February, of the year of our Lord, One thousand, eight hundred & fifty one.

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| J. C. DE FIGANIÈRE E MORÃO | [SEAL] |
| DAN ^L WEBSTER | [SEAL] |